

LEGISLATIVE BILL 177

Approved by the Governor April 8, 2009

Introduced by Lathrop, 12.

FOR AN ACT relating to the Credit Report Protection Act; to amend sections 8-2602, 8-2607, and 8-2609, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to security freezes; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 8-2602, Reissue Revised Statutes of Nebraska, is amended to read:

8-2602 For purposes of the Credit Report Protection Act:

(1) Consumer reporting agency means any person which, for monetary fees, for dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports;

(2) File, when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored;

(3) Minor means a person who is under nineteen years of age;

~~(3)~~ (4) Security freeze means a notice placed in a consumer's file as provided in section 8-2603 that prohibits the consumer reporting agency from releasing a credit report, or any other information derived from the file, in connection with the extension of credit or the opening of a new account, without the express authorization of the consumer; and

~~(4)~~ (5) Victim of identity theft means a consumer who has a copy of an official police report evidencing that the consumer has alleged to be a victim of identity theft.

Sec. 2. Section 8-2607, Reissue Revised Statutes of Nebraska, is amended to read:

8-2607 (1) A security freeze shall remain in place, subject to being put on hold or temporarily lifted as otherwise provided in this section, until ~~the earlier of the date that the consumer reporting agency receives a request from the consumer to remove the freeze under section 8-2608, or seven years after the date the security freeze was put in place.~~

(2) A consumer reporting agency may place a hold on a file due to a material misrepresentation of fact by the consumer. When a consumer reporting agency intends to release a hold on a file, the consumer reporting agency shall notify the consumer in writing three business days prior to releasing the hold on the file.

(3) A consumer reporting agency shall temporarily lift a security freeze only upon request by the consumer under section 8-2606.

(4) A consumer reporting agency shall remove a security freeze upon ~~the earlier of the date that the consumer reporting agency receives a request from the consumer to remove the freeze under section 8-2608, or seven years after the date the security freeze was put in place.~~

Sec. 3. Section 8-2609, Reissue Revised Statutes of Nebraska, is amended to read:

8-2609 (1) A consumer reporting agency may charge a fee of ~~fifteen~~ three dollars for placing, temporarily lifting, or removing a security freeze unless:

(a) The consumer is a minor; or

(b) (i) The consumer is a victim of identity theft; and

(ii) The consumer provides the consumer reporting agency with a copy of an official police report documenting the identity theft.

(2) A consumer reporting agency shall reissue the same or a new personal identification number or password required under section 8-2605 one time without charge and may charge a fee of no more than five dollars for subsequent reissuance of the personal identification number or password.

Sec. 4. Original sections 8-2602, 8-2607, and 8-2609, Reissue Revised Statutes of Nebraska, are repealed.